



**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNAVOIDABLY UNDER 37CFR 1.137(a)**

Patent
Case No.:
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First Named Inventor: RICHARD H. LAHN
Application No.: 09/982,049 Group Art Unit: 3643
Filed: 10/16/01 Examiner: Robert P. Swiatek
Title: REMOTE IMAGE MANAGEMENT SYSTEM (RIMS)

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or any other party who is presenting statements concerning the cause of delay.

May 7, 2004
Date

49040
Registration Number

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OFFICE OF PETITIONS
Felix J Sahlin
Signature
Typed or printed name

AFFIDAVIT OF FELIX SAHLIN

State of Minnesota)
)ss
County of Ramsey)

FELIX J. SAHLIN being first duly sworn, deposes and says:

1. I am the attorney for the Applicant in this case and make this affidavit in support of my Petition to revive of Application No. 09/982,049 on the grounds that it was unavoidably abandoned under 37CFR 1.137(a). The application was deemed abandoned for failure to timely respond to an Office Action dated 26 August 2003. I never received the Office Action, in spite of the fact that I

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had directly notified the Examiner of the application, Robert Swiatek of my new business address via facsimile on August 14, 2002, more than one year prior to the date of the Office Action. The Office of Enrollment and Discipline had also been notified of my new business address by letter more than seven months prior to the date of the Office Action.

2. At the time of filing of the application in question, my business address was 1822 Goodrich Avenue, St. Paul, Minnesota 55105. This was also the address registered with Patent and Trademark Office. The Declaration and Power of Attorney in this application signed February 19, 2002 specifically appoints me as attorney in this application. The Declaration and Power of Attorney clearly lists my name and business address. A copy of the Declaration attached as Exhibit 1.
- 3 I moved to my current business address: 1480 Mississippi River Boulevard South, St. Paul, Minnesota 55116-1853 on or about July 1, 2002.
- 4 On August 14, 2002, between 12:00 and 1:30PM CDT, I received a telephone call from the Examiner in this application, Robert Swiatech. Mr. Swiatech called to discuss issuance of a restriction to the claims filed and mentioned that due to its subject matter, the application might be transferred to a different Examining Group. We discussed the restriction in general terms. I specifically recall Mr. Swiatech stating that he would be issuing an office action regarding the restriction. I informed him that I had changed addresses. He requested my new address which I believe that I relayed over the phone. He gave me his group's fax number so that I could fax a letter with my new address for inclusion in the application's file.



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(AFFIDAVIT OF FELIX SAHLIN, PAGE 3)**

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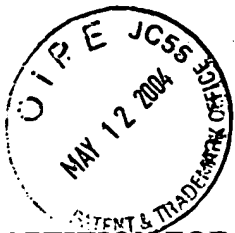
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5. After my telephone conversation with Mr. Swiatek, I immediately, (within one hour) prepared a letter addressed to him containing my new business address and faxed it to the number assigned to his Examining Group. Copies of my letter dated August 14, 2002 and the corresponding fax cover sheet are attached hereto as Exhibits 2 and 3. This met my notification obligation under MPEP §§ 402 and 601.03 (Change of Correspondence Address).
6. On or about January 13, 2003, I mailed a letter to the Office of Enrollment and Discipline to update my business address. A copy of the January 13, 2003 letter to the OED is attached hereto as Exhibit 4.
7. The notice of address change was transmitted directly to the Mr Swaitek more than one year prior to his August 24, 2003 Office Action. My address change letter to the OED was sent more than seven months prior to the Office Action in question.
8. Since I had not received any correspondence in the application from the PTO since receipt of a Notice of Updated Filing dated March 28, 2003, I sent a Status Inquiry Letter to Mr. Swiatek on January 26, 2004. A copy of this letter is attached hereto as Exhibit 5. The only piece of correspondence which I received in this application was the Notice of Abandonment dated 03/34/2004.
9. I received the Notice on May 3, 2004. The Cover sheet was addressed to the inventor Richard L. Lahn at my business address. A copy of the Cover Sheet is attached hereto as Exhibit 6. This correspondence had apparently been returned to the PTO and remailed on April 28, 2004.

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10. I telephoned Mr. Swaitek directly on May 7, 2004 to verify whether my Notice of Change of Correspondence Address had been received, whether he had ever received my Status Inquiry Letter and whether there was any record of any previous correspondence being returned to the PTO. Mr. Swiatek stated that the document records for the application stated that a Notice of Change of Correspondence Address had in fact been received by the PTO and was logged into the computer record on August 18, 2002. He further stated that no less than five letters Restarting the Period to Respond had been sent out starting in September of 2002 following an Office letter in August 2002 containing the Restriction Requirement. He further stated that he had not received a copy of my Status Inquiry dated January 26, 2004. I specifically requested that he send me a copy of the Restriction Requirement so that I could review it and prepare a response.
11. Until the receipt of the Notice of Abandonment on May 3, 2004, I had not received any correspondence from the PTO regarding this application. To the best of my knowledge my client Richard H. Lahn has never received any correspondence from the PTO either.
12. Obviously I could not respond in a timely manner to Office Actions and correspondence which I did not receive. I suspect based on the Cover sheet received with the Notice of Abandonment that the August 26, 2003 Office Action was identically addressed and was returned to the PTO. I do not know how this occurred as I am clearly listed as the attorney for the applicant in his Declaration and Power of Attorney, the Examiner was directly notified in writing of my new



**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
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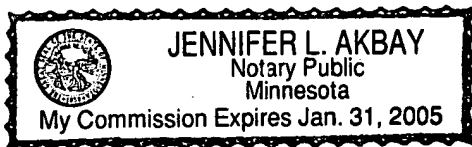
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Case No.:
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business address more than one year before the Office Action was issued, and in light of my Status Inquiry of January 26, 2004.

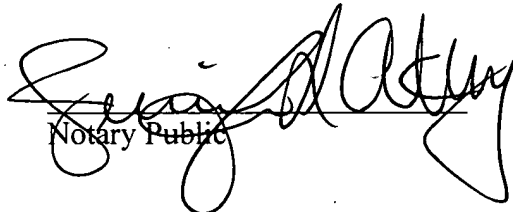
13. Based on the above facts any failure to respond in a timely manner to the Office Action of 26 August 2003 was unavoidable. I request that Application Number 09/982,049 be revived and that I receive a copy of the Office Action so that I may have the opportunity to respond.

FURTHER AFFIANT SAYETH NAUGHT

Subscribed and sworn to
before me this 7th day of May, 2004




Felix J. Sahlin


Notary Public

DECLARATION AND POWER OF ATTORNEY

I, a below named inventor, depose and say that: (1) my residence, citizenship, and mailing address are indicated below; (2) I have reviewed and understand the contents of attached specification, including the claims, as amended by any amendment specifically referred to herein, (3) I believe that I am the original, first, and sole inventor of the invention or discovery in

Remote Imaging Management System

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described and claimed therein and for which a patent is sought; and (4) I hereby acknowledge my duty to disclose to the Patent and Trademark Office all information known to me to be material to the patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I, hereby appoint Felix J. Sahlin (Reg. No. 49,040), my attorney with full powers (including the powers of appointment, substitution, and revocation) to prosecute this application and any division, continuation, continuation-in-part, reexamination, or reissue thereof, and to transact all business in the Patent and Trademark Office connected therewith; the mailing address and the telephone number of the above-mentioned attorney is

1822 Goodrich Avenue
St. Paul, Minnesota 55105-1509
Telephone No. (651) 699-6505

The undersigned petitioner declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Wherefore, I hereby subscribe my name to the foregoing declaration and power of attorney, on the day set forth below.

Richard H. Lahn 2/19/02

Inventor: Richard H. Lahn Date
Residence: Silver Bay, Minnesota USA
Citizenship: USA
Post Office 6122 Birch Cliff Road
Address: Silver Bay, Minnesota 55164 USA

Felix J. Sahlin

Attorney at Law

1480 South Mississippi River Boulevard
St. Paul, Minnesota 55116-1853

Telephone: (651) 699-6505
Facsimile: (651) 699-0843
Email: et4fone2@netzero.net

August 14, 2002

Mr. Robert Swiatech
Patent Examiner, Art Section 3643
US PTO
Washington, DC 20231

VIA FACSIMILE

Re: Application No. 09/982,049 Remote Image Management System (RIMS)
Change of Office Address of Counsel

Dear Mr. Swiatech:

Thank you for your telephone call of earlier today regarding a restriction of the above application.

As I stated I have recently relocated my office. The new address is:

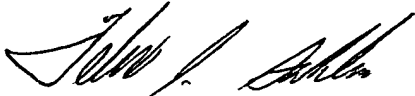
**1480 South Mississippi River Boulevard
St. Paul, Minnesota 55116-1853**

Telephone and Facsimile numbers as well as email address remain the same.

I will also comply with MPEP 601.03 in the earliest future.

If you should have any questions or need additional information, please do not hesitate to contact me.

Sincerely,



Felix J. Sahlin

cc Richard Lahn



Felix J. Sahlin

Attorney at Law

1480 Mississippi River Boulevard South
St. Paul, Minnesota 55116-1853

Telephone: (651) 699-6505
Facsimile: (651) 699-0843
Email: et4fone2@netzero.net

DATE

August 14, 2002

PLEASE DELIVER TO: Mr. Robert Swiatech

FIRM/COMPANY: USPTO, Art Section 3643

FAX NUMBER: (703) 305-0285

FROM: Felix J. Sahlin

TOTAL PAGES SENT (including this page): 2

**NOTES: Re: Application No. 09/982,049 Remote Image Management System (RIMS)
Change of Office Address of Counsel**

If you do not receive all pages transmitted, please contact Felix at (651) 699-6505

ORIGINALS

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THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

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Felix J. Sahlin

Attorney at Law

1480 South Mississippi River Boulevard
St. Paul, Minnesota 55116-1853

Telephone: (651) 699-6505
Email: et4fone2@netzero.net

January 13, 2003

Mail Stop OED
Director, United States Patent and Trademark Office
PO Box 2327
Arlington, VA 22202-2327

Re: Change of Address

Dear Sir/Madam:

Please note effective immediately that I have changed business address.

My new business address is:

**1480 South Mississippi River Boulevard
St. Paul, Minnesota 55116-1853**

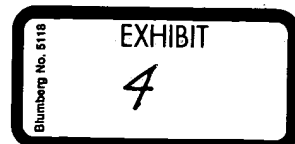
Telephone and Facsimile numbers remain the same.

My Registration Number is: **40,040**

Please update your records accordingly. Thank you.

Very Truly Yours,

Felix J. Sahlin



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: RICHARD L. LAHN

Application No.: 09/982,049

Group Art Unit: 3643

Filed: 10/16/2001

Examiner: R. Swiatech

Title: REMOTE IMAGE MANAGEMENT SYSTEM (RIMS)

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STATUS INQUIRY

OFFICE OF PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

CERTIFICATE OF TRANSMISSION

To Fax No.: *

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on:

Date

Signed by:

Dear Sir:

A request is made for the status of the above-identified application. I have not received any further communication from the United States Patent and Trademark Office since our telephone conversation of 08/14/2002 regarding a restriction of the above application and my facsimile letter to you of the same date.

Respectfully submitted,

Date

January 26, 2004
1480 Mississippi River Blvd South
St. Paul, MN 55116-1853
Facsimile No.: (651) 699-0843

By:

Felix J. Sahlin, Reg. No.: 49040
Telephone No.: (651) 699-6505





UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,049	10/16/2001	Richard H. Lahn		8462

7590

03/24/2004

Richard L. Lahn
1480 SOUTH MISSISSIPPI RIVER BOULEVARD
ST. PAUL, MN 55116-1853

EXAMINER

SWIATEK, ROBERT P

ART UNIT

PAPER NUMBER

3643

DATE MAILED: 03/24/2004

remail 4-28-04
DRS

Please find below and/or attached an Office communication concerning this application or proceeding.

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GROUP 3600

